REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons which follow.

After amending the claims as set forth above, claims 1-36 are now pending in this application.

Claims 1-5 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wyman (U.S. Patent 5,204,897) (hereinafter Wyman) in view of Ohran et al (U.S. Patent 5,978,565) (hereinafter Ohran), further in view of Badovinatz et al (U.S. Patent 5,704,032) (hereinafter Badovinatz), and further in view of Applicant's own admission. Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wyman in view of Ohran in view of Badovinatz in view of Applicant and further in view of Baratti et al (GB 2,346,989) (hereinafter Baratti). Claims 7-10 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wyman in view of Ohran in view of Badovinatz in view of Applicant and further in view of Bains et al (U.S. Patent 5,579,222).

With respect to claims 1-19, as amended, the rejections are respectfully traversed.

Independent claim 1 has been amended to recite a system for managing licenses for protected software on a communication network, the system comprising:

"at least one client computer coupled to the communication network for requesting authorizations to use the protected software; and

a pool of license servers coupled to the communication network, <u>each</u> license server programmed for managing a distribution of one or more allocations <u>to at least one client computer</u> to use the protected software, <u>the pool of license servers including a current leader server</u> programmed for maintaining a record of allocations for license servers in the pool." (Underlines added for emphasis.)

The system including the above-quoted features allows for a current <u>leader server</u> to both (1) manage a distribution of one or more allocations to at least one client computer to use protected software and (2) maintain a record of allocations of other license servers. As a result,

the client computers can be spread among the servers in an efficient manner since the <u>leader server</u> can also make allocations to some of the client computers. Also, the administration of the license system is simplified by having a leader server since only one server is required to maintain a record of the allocations of the other servers. Advantages such as those described above are discussed in the specification (e.g. page 12, lines 19-28; page 13, lines 9-15).

Wyman neither discloses nor suggests the system including the above-quoted features with a current leader server that both makes allocations to client computers <u>and</u> maintains a record of the allocations of other license servers. In Wyman, a license server (leader) communicates with delegatee servers (followers) and the delegatee servers each communicate with user nodes (client computers) (see Wyman column 9, lines 60-67). A user node in Wyman only communicates with the license server if there are no delegatee servers in the system (see Wyman column 11, lines 18-24; figure 1, reference numbers 10, 13, and 16). Thus, when the system in Wyman includes delegatee servers, the user nodes communicate only with the delegatee servers and the license server (leader) does not make allocations to user nodes as is required by the present claims.

Ohran neither discloses nor suggests the system including the above-quoted features with a pool of license servers coupled to a communication network. The system in Ohran only provides backup data for <u>file servers</u> and does not even consider a system including <u>license servers</u> (see Ohran Abstract). In Ohran, the data from one or more file server computers is stored on a backup computer (see Ohran column 8, lines 21-28). Ohran's disclosure of storing data on a backup computer would not have taught or suggested managing licenses and maintaining a record of allocations for license servers. Therefore, Ohran does not disclose a pool of <u>license</u> servers coupled to a communication network, where <u>each</u> license server is programmed for <u>managing a distribution of one or more allocations</u> to at least one client computer.

The Examiner states that Wyman and Ohran do not specifically disclose each license server programmed for managing a distribution of one or more allocations to use the protected software. The same is true even for the combination of Wyman and Ohran since neither Wyman nor Ohran disclose every server in a network making allocations of protected software to client computers. In Wyman, the license server does not make allocations to user nodes when there are

delegatee servers in the system. In Ohran, none of the servers make allocations of protected software since the servers in Ohran are file servers and not license servers. Furthermore, it would not have been obvious to combine Wyman with Ohran because they are concerned with different problem areas. More specifically, Wyman is concerned with <u>license policy</u> and how to manage that policy while Ohran is concerned with providing rapid recovery from a network <u>file server</u> failure.

In the case of license policy as in Wyman, the policy sets a limit on the number of licenses that can be granted to users for the use of protected software at the same time. In contrast, with file servers as in Ohran, there is no limit on the number of users that can access a file at the same time. In Ohran, the users enjoy a benefit from having a file server and a backup file server operating at the same time because both servers can distribute the same files without causing a problem (see Ohran column 5, lines 35-40). The system for managing licenses created by the combination of Wyman and Ohran would not operate properly because the existing license server and the new backup license server would be distributing the same licenses and, thus, potentially exceeding the limit on the number of licenses that could be granted to users at the same time. Therefore, it would not have been obvious to combine Wyman and Ohran for the additional reason that the resulting license management system would not properly manage license policy.

The Examiner states that the combination of Wyman and Ohran does not specifically disclose the pool of license servers including a current leader server programmed for maintaining a record of allocations for license servers in the pool. For that feature, the Examiner points to Badovinatz as disclosing the designation of a new leader in a group of processors when a current leader fails. However, Badovinatz does not disclose the feature of the present invention that the leader server <u>maintains a record of allocations for license servers in the pool</u>. Indeed, Badovinatz is only concerned with selecting a leader from a group of processors and does not specify the processors as being license servers (see Badovinatz). As a consequence, Badovinatz never even considers a leader server maintaining a record of allocations for license servers in a pool.

Furthermore, it would not have been obvious to combine Wyman with Badovinatz since the system in Wyman is based on the servers forming a strict hierarchy, while any of the processors in Badovinatz is capable of becoming a leader. In Wyman, there is no procedure for a delegatee server to take over the operations of the leader server in the case of the leader server failing and there is no mention of electing a new leader. Also, it would not have been obvious to combine Ohran with Badovinatz since Ohran does not even have a leader server, but instead uses a backup server. The backup server in Ohran has a total storage capacity equal to the sum of the storage capacities of the other servers on the network, so the backup server is designated in advance and not just selected as one of the servers from the group (see Ohran column 8, lines 43-48).

Therefore, independent claim 1, as amended, is neither disclosed nor suggested by the cited prior art and, hence, is believed to be allowable. Because they depend from claim 1, claims 2, 6, 24, 27, and 28 are also believed to be allowable. Claim 28 further illustrates the feature that the current leader server manages a distribution of allocations to client computers even when there is a follower server in the system.

Independent claim 3, as amended, allows each follower server, in a system for managing licenses for protected software, to communicate the status of the allocations for that particular follower server to a current leader server. Communicating the status of allocations from a follower license server to a leader license server is different from the system in Ohran where all data on a disk is transferred from a file server to a backup computer. There are at least two main differences: (1) the present invention communicates the status of allocations while Ohran transfers all data on a disk and (2) the backup computer in Ohran is not a leader, but only provides for recovery when one of the file servers in the network fails (see Ohran column 8, lines 49-54).

Therefore, independent claim 3, as amended, is neither disclosed nor suggested by the cited prior art and, hence, is believed to be allowable. Because it depends from claim 3, claim 25 is also believed to be allowable. Claim 25 recites the further distinction that the current leader server maintains a list indicating which follower servers are in operation and the follower servers use the list they receive from the current leader server when selecting a new leader.

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Independent claim 4, as amended, specifies a system in which each follower server is programmed such that it is capable of becoming a new leader server if the current leader server can no longer manage the distribution of allocations for the license servers. Having each follower capable of becoming a new leader is not disclosed or suggested in Wyman where there is a strict hierarchy of servers and only one is capable of being the leader. The present invention also differs from Ohran where only a backup computer with a larger disk drive is capable of taking on the role of a failed server. Furthermore, the present invention differs from Badovinatz because the system in Badovinatz is not related to license management and, thus, there is no server in Badovinatz for managing the distribution of allocations for license servers. It would not have been obvious to combine the references since each deals with a different problem area, namely, Wyman deals with license policy, Ohran deals with backing up file server data, and Badovinatz deals with distributed computing.

Therefore, independent claim 4, as amended, is neither disclosed nor suggested by the cited prior art and, hence, is believed to be allowable. Because they depend from claim 4, claims 5, 7-10, 21-23, and 26 are also believed to be allowable. Claim 23 recites the further distinction that when a follower server becomes the new leader server, it sends a heartbeat to each of the remaining follower servers, and the remaining follower servers communicate the status of their allocations to the new leader server.

Independent claim 11 recites a method for managing licenses similar to the system of claim 1. Therefore, claim 11 is believed to be allowable for at least the same reasons claim 1 is believed to be allowable. Because they depend from claim 11, claims 12, 15, 32, 35, and 36 are also believed to be allowable.

Independent claim 13 recites a method for managing licenses similar to the system of claim 3. Therefore, claim 13 is believed to be allowable for at least the same reasons claim 3 is believed to be allowable. Because it depends from claim 13, claim 33 is also believed to be allowable.

Independent claim 20 recites a method for managing licenses similar to the system of claim 4. Therefore, claim 20 is believed to be allowable for at least the same reasons claim 4 is
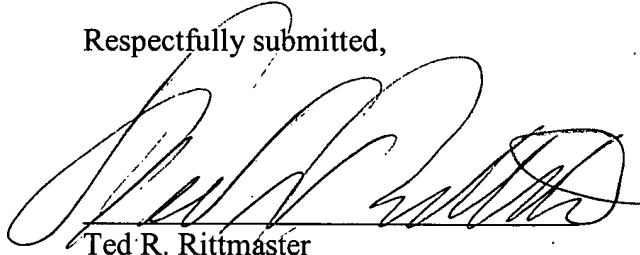
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believed to be allowable. Because they depend from claim 20, claims 14, 16-19, 29-31, and 34 are also believed to be allowable.

In view of the foregoing, it is respectfully submitted that all claims are in condition for allowance. Re-examination and reconsideration of the application, as amended, are requested.

Respectfully submitted,

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